

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CITY OF CHICOPEE acting through
CHICOPEE PUBLIC SCHOOLS,
Plaintiff**

V.

**DAVID T. As parent and next friend of
KAITLYN T. and MASSACHUSETTS
DEPARTMENT OF EDUCATION
Defendants**

) CIVIL ACTION NO. 04-30087-KPN

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Comes now the Defendants, by and through their undersigned counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves this Court to enter summary judgment for the Defendants.

In support of its Motion the Defendants refer to the facts and law that are set forth more fully in the accompanying memorandum. The Memorandum demonstrates that the Defendants are entitled to summary judgment on the grounds that they met their burden before the BSEA. The Memorandum also demonstrates how the underlying transcript and administrative record supports the decision of the administrative hearing officer, and contrary to the Plaintiff's assertions the Decision is not arbitrary and capricious.

WHEREFORE, the Defendants, respectfully moves this Court to deny the Plaintiffs motion for summary judgement and enter summary judgment for them.

Respectfully Submitted
The Defendants
By Their Attorney

Dated December 17, 2004

/s/ Derek M. Beaulieu
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